



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

BEVERLY DANIEL EVANS

ORVILLE A. PARK

About the year 1736, a number of Welsh families settled on Cat Fish Creek in what is now Marion County, South Carolina, the locality becoming known as the "Welsh Neck." These emigrants were Baptists. Like the Puritans of Massachusetts, the Quakers of Pennsylvania, the Salsburgers of Georgia, they came to America in order to enjoy a greater measure of religious liberty, to worship God according to the dictates of their own consciences. They were a sturdy and a liberty loving folk. At the outbreak of the Revolution, the little church on Cat Fish Creek numbered two hundred and twenty male members. At its close, there were only forty-eight, so great had been the sacrifice for the patriot cause.

One of these Welsh pioneers was Nathan Evans of the ancient and numerous family of the name which is said to boast more than twenty coats of arms. He gave to the Continental Army a son, Captain David Evans. A grandson, William Evans, became a Brigadier-General of South Carolina Militia. General Nathan G. Evans, a distinguished and gallant Confederate Brigadier, the father of Governor John Gary Evans of South Carolina, was a great-grandson.

Another grandson, Thomas Evans, had the unique distinction of serving twenty consecutive years in the Senate of South Carolina. Thomas married Jane Beverly Daniel, descended from the Daniels of Virginia. Their son was given his mother's family name, Beverly Daniel.

Leaving the ancestral home in Marion County, S. C., Beverly Daniel Evans (the first) came to Georgia in 1852, then a young man of twenty-six, and settled at Sandersville, Washington County. Two years later he was admitted to

the Georgia Bar in Dublin. Opening an office in Sandersville, he continued in the practice of his profession for nearly half a century, interrupted only by the war between the States when for four years he wore the uniform, endured the hardships and won the glory of a Confederate soldier. He entered the service as a lieutenant of the First Georgia Infantry. On the reorganization of the Regiment, he raised a company and became its Captain. Later he was made Lieutenant-Colonel of the Second Regiment of State Troops.

In the midst of war's alarms and not long before Sherman, on his boasted "march to the sea," left as a monument of his triumphant progress the charred and crumbling walls of the Washington County Court House, Col. Evans was united in marriage to Miss Sarah Smith of Sandersville, a member of an excellent North Carolina family, a true daughter of the old South, beautiful, well educated, cultured, deeply pious and given to hospitality.

The war was scarcely over and the soldier had but returned to the desolated town in which he had left his bride when their hearts were gladdened on May 21, 1865, by the coming of the first born son, who was named Beverly Daniel for his father.

Young Beverly grew up in the little middle Georgia town of Sandersville, his life being in all respects similar to that of other boys reared in the small towns of the South under the post war conditions then prevailing, but with the inestimable advantage of a cultured, refined and religious home. His early education was obtained in the schools of his native town and while the advantages were no more than the average for the time, his bright mind, retentive memory and remarkable application enabled him to fit himself for college at a very early age. He matriculated as a sophomore in Mercer University in 1878, and in 1881, at sixteen, he was graduated with the A. B. degree. A classmate, Dr. Jno. F. Eden, says of him: "In the class room and in college life generally, he was always quiet, steady loyal and gener-

ous," thus early exhibiting those splendid traits of character, so noteworthy in his after life, both public and private. The year after his graduation his Alma Mater conferred on him the honorary degree of Master of Arts.

Finishing his collegiate education, he at once began his preparation for the bar, entering his father's office as student and clerk. He completed his professional studies at Yale in 1884, and while his stay at the University was not of sufficient duration to entitle him to a diploma, his standing was so high that he was admitted to the Georgia Bar without examination by Judge Thos. J. Simmons, afterwards Chief Justice of the Supreme Court. The firm of B. D. Evans and Son was formed at once and continued (subsequently enlarged to admit two other sons, George C., and A. W. Evans) until the death of the senior partner in 1897. This firm was one of the best known and most successful in that section of Georgia, enjoying a large and varied practice in the counties composing the Middle Circuit and appearing on one side or the other of almost every important case in Washington Superior Court.

Political and professional honors came to the young lawyer from the very beginning of his career. At twenty-one, he sat as the representative from the good county of Washington in the General Assembly of Georgia, where he acquitted himself with credit and rendered excellent service to his constituents. He was the first Georgian born after the War to be given a seat in the Legislature. In 1892, he was a delegate to the National Democratic Convention which nominated Grover Cleveland for the Presidency.

For six years, he served as Solicitor General of the Middle Circuit, having been elected in 1891 when he had just reached the minimum age required, twenty-five years. He discharged the duties of this important office with conspicuous fidelity and marked ability.

From the Solicitorship, he was chosen as Judge of the Circuit and then truly his life's work may be said to have

begun; for, while in the contests at the bar he was foeman worthy of any antagonist's steel, his talents and the bent of his mind were judicial rather than forensic. He loved justice. His mind quickly and easily saw both sides of a controversy and no one could weigh them more accurately in the delicately poised scales of justice.

The Middle Circuit at that time was composed of seven counties and was one of the most populous and important in the State. Judge Evans rode the Circuit to the entire satisfaction of the bar and people. He presided with an easy grace and dignity which preserved the respect due the Court yet attracted all those who had business in the tribunals where he sat. He dispatched business rapidly but not hurriedly. He maintained and inculcated a respect for law. His decisions were fair and impartial. His charges clear and forceful. During his occupancy of the Circuit bench, he was frequently called on by his brother judges to preside for them in other circuits. Probably no judge in Georgia ever held the Superior Court in so many counties or did so with more acceptability to lawyers and litigants, jurors, and the people at large of those counties.

While always courteous, cordial and democratic, Judge Evans held the judicial office in high esteem and resolved not to cheapen it or render it commonplace. He, therefore, repelled familiarity, did not frequent the corner store, hotel lobby or other places of general resort by the men about town and spent his leisure in reading and study. His reading took a wide range and at this period he acquired that large store of information which stood him well in hand in his busy and useful later career.

Judge Evans was interested in the history of Georgia and the lives of her great men. While Judge of the Middle Circuit, he wrote a biography of Governor Jared Irvin, whose monument, the only one wholly erected with State funds, stands in the court house square in Sandersville. After the manuscript of this biography had been completed

and while he was arranging for its publication, it was burned in a fire which destroyed his home. This proved an irreparable loss as its author never found time to reproduce it and much of the source material also was destroyed. This was particularly unfortunate as no adequate life of this great Georgian or satisfactory history of the stirring times in which he lived has been written. He also wrote at this time an account of the notorious "Yazoo Fraud," that earliest and greatest stain on Georgia's name. This was published in a magazine, attracting considerable attention.

But Judge Evans was not content with the bench of the Superior Court. He was ambitious for the highest judicial station. He had announced his intention of becoming a candidate for Justice of the Supreme Court of Georgia when the unexpected retirement of Mr. Justice Henry G. Turner afforded the opportunity for the gratification of his ambition by appointment which was made by Governor Joseph M. Terrell on April 1, 1904, he being the youngest Justice save one, Linton Stephens, who ever sat on the Supreme bench of Georgia. Though only thirty-eight, he was eminently qualified for the exalted station to which he had been appointed and which he held by successive elections until his resignation on August 31st, 1917. Andrew J. Cobb, Presiding Justice of the Second Division of the Supreme Court resigning on October 12th, 1907, Justice Evans succeeded him in this the second highest judicial office of the State, the Chief Justice alone holding higher rank.

The Supreme Court, while Justice Evans was a member of it, was greatly overworked deciding an average of one thousand cases each year, a greater number than any other Appellate Court with an equal number of Judges in the entire Union. Justice Evans did his full share of this arduous and most important work, writing more than two thousand opinions and participating in the decision of many thousands of other cases appearing in the 119th to 147th Georgia Reports. His opinions, though of necessity hastily

prepared without sufficient time or opportunity for that mature consideration, study and investigation so necessary for work of that character, most of them delivered with but little revision, are yet remarkable judicial utterances; logical, forceful, lucid, and convincing; couched in pure English; written in an easy, pleasing style and well supported by authority. They easily take rank among the best of those handed down by any of the great judges who have shed luster upon the Georgia Court.

Judge Andrew J. Cobb, his predecessor as Presiding Justice, says of his opinions: "One reads after him with profit and is impressed with the accuracy of his legal instinct, the honesty of his mind and the lucid expression of his thought." His successor, Presiding Justice Marcus W. Beck, who was a member of the Court during almost the entire period of Judge Evans' incumbency, gives this picture of him as an Appellate Judge: "He worked with great facility. Few Judges grasped the question presented by a record more quickly or more thoroughly, and laying hold firmly upon the questions at issue, he generally made an admirable presentation of them in the statement of facts which preceded his opinion. In practically all of the official statements in his cases, he made the statement exactly as it appears in the Georgia Reports, and he usually wrote it out in long hand. He wrote a great majority of his opinions in long hand. Of course, this method of writing out his statements of facts and his opinions entailed a burden upon him but he did not shirk it but voluntarily undertook it for the sake of additional clearness and directness both in the statement of facts and the expression of his views on the questions of law involved. The facility and ease with which he worked is accounted for partly by the fact of his having a splendid memory. He remembered well and accurately, not only the rulings but the reasoning in nearly all our Georgia cases of any importance. He went further; he remembered the names of the parties to the case, the Judge who wrote the

opinion and in the more important cases, the volume in which they were published. In a minutes time, he could turn to almost any case in the Georgia Reports which it was desirable to consult. Another trait of his judicial character was his readiness to recede from the conclusion that he had reached, whenever by reason or upon authority he was convinced that his conclusions were unsound. Few judges, considering the time that he had to devote to his opinions, were more careful or painstaking in searching out, weighing and considering the reasons and authorities pertinent to the issues in hand and which should incline the investigator after truth to one conclusion or another. He brought to this examination great diligence and sound judgment but after all this painstaking and toil expended in reaching the conclusion and the preparation of his opinion, he had no such pride in that opinion as would cause him to adhere to it for a moment after he was shown that it was not sound."

The exacting duties of his position left but little time for anything save his judicial work, but while living in Atlanta as a member of the Supreme Court, Judge Evans and a few other choice spirits organized the "Ten Club" (the membership at first being limited to ten) each member of which was expected once each year to prepare a paper to be read at the monthly meetings which was to form the topic for discussion at the meeting. His papers prepared for this club, several of which have been published, were of the highest order, showing his broad culture, wide reading and excellent literary style.

Next to his judicial work, and nearer to his heart even than that, his class of boys in the Sunday School of the Second Baptist Church, Atlanta, occupied his time and thought. He was most assiduous in his endeavor to build up this class, and he sought material upon the high-ways and in the hedges. Many a ragged urchin became a member of this class and attended it regularly. The class grew to more than fifty. Many of the boys would sell newspapers

on the street up to the Sunday School hour and then report at the class. His interest in the members of this class never failed. He gripped them strongly. Many became members of the Church and have grown to be useful citizens. He was a deacon of the Second Baptist Church and identified with all its work.

Having been tendered by President Wilson the appointment as Judge of the United States District Court for the Southern District of Georgia, Judge Evans resigned as Presiding Justice of the Supreme Court on August 31, 1917. The following day he took the oath and assumed the office of a Federal Judge. His judicial residence was fixed at Savannah to which city he very soon removed. For this new office to which he was appointed, he was pre-eminently well furnished. He had been a successful lawyer; a vigorous, fearless but just prosecuting officer; a well poised, impartial Circuit Judge; and his service on the Supreme bench had given him a learning in the law, a familiarity with precedents, a power of analysis, and a facility of expression rarely attained.

At the time of his appointment, the country was in the midst of the Great War and the courts of the Union were called upon to render most important service to the government in the enforcement of the numerous laws designed to protect the country from enemies within and to enable it to mobilize its resources of men and material to meet the enemy across the seas. Judge Evans threw himself wholeheartedly and without reservation into this work, upholding the hands of the government in every way befitting his station and availing himself of every opportunity both as a Judge and as a private citizen to serve and to inculcate those principles of patriotism and love of country which ever actuated him.

Not only did he give to the country's service the best that was in him but he gave also a well beloved son, Beverly D. Evans, Jr., First Lieutenant of Company D, 20th Machine

Gun Batallion attached to the 13th Brigade, Seventh Division. In that terrible struggle for the possession of the Argonne Forest, this noble youth poured out his life for his country. The wound to the father's heart was well nigh mortal. He went about his accustomed tasks, discharging with fidelity every duty devolving upon him, but those who were nearest him knew the suffering of his heart and that the light had gone out of his life.

The vast increase in the volume of business in the Federal Courts in recent years and the extension of Federal jurisdiction over a multitude of subjects hitherto exclusively within the cognizance of the State tribunals made the work of a Federal Judge increasingly important and increasingly onerous. The Southern District of Georgia is one of the largest and most important districts in the country. The amount of business transacted in the courts of its five divisions is even greater than its size and importance would indicate. When Judge Evans was first appointed, he shared the work and the responsibility of the district with Judge Emory Speer and there was enough for both judges to do. But on the death of Judge Speer in December, 1918, the entire work and the full responsibility for the district fell on Judge Evans. In an endeavor to clear the crowded dockets of the several divisions, Judge Evans held Court almost every day during practically his entire incumbency on the Federal Bench, frequently holding both morning and afternoon sessions and often attending to business in his chambers at the noon hour and in the evening. In addition to the work of his own district, he was designated to preside in the Circuit Court of Appeals for the Fifth Circuit and in a number of important cases in the Northern District of Georgia. Many notable cases of the greatest importance came before him for decision and he was rapidly making for himself a reputation as a Federal Judge such as he had been privileged to enjoy as a member of the judiciary of the State.

But while there came before him interesting and great

cases requiring the highest and best of his judicial powers, far too much of his time was devoted of necessity to the trial of petty criminal cases, arising under the National Prohibition Act and a number of other recent penal statutes of Congress. To a well seasoned and eminently capable Judge, qualified for the highest judicial service, the time spent in the trial of these petty cases could not but be irksome. And the consciousness weighed on him that no matter how much of his valuable time he should devote to this service the dockets of his Courts were constantly being more and more congested, for these cases arose in greater number than could be disposed of by the most tireless and continued effort of any one Judge. He felt that he was capable of rendering his country a higher service than was required of him in the trial of these cases, and at the time of his death, he had in course of preparation an address which he proposed to deliver at the then approaching session of the Georgia Bar Association, in which he expected to urge the necessity for some relief for the Federal Courts from the flood of minor criminal cases with which they are now overwhelmed. His devotion to his official work; his unremitting toil in the effort to dispatch the volume of business constantly accumulating throughout the District; his sacrifice of himself and of almost all rest and recreation, unquestionably hastened his untimely death. Indeed, it may be said with truth that he gave his life in the service of his country, a martyr to duty.

As was the case during his residence in Atlanta as a member of the Supreme Court, so while living in Savannah, his official duties demanded almost all his time, leaving him but little opportunity to take his rightful place in the social and public life of the city which would so readily have been accorded him if he had been privileged to accept it. Here, again, we find him enjoying the companionship of a number of the leading men of the city in the Cosmos Club, whose social and literary meetings were to him a constant delight. Again, we find him active in the work of his Church. Shortly

after removing to Savannah, he was elected a deacon of the First Baptist Church and teacher of the Baraca Class in its Sunday School. When he took charge of it, this class numbered twenty-seven. At the time of his death, it had grown to nearly three hundred. Probably the best work which he did was for this class, and it is certain, from his own statement, that he prized the opportunity afforded by the class as he did no other. No matter where his official duty might call him during the week, he always arranged to be with the class each Sunday morning. The last work that he did was to address this class. It was in the midst of a term of Court in Macon. As was his custom, he returned to Savannah to spend the Sabbath with his class and his family. He expected to re-open the Court in Macon on Monday morning, having before him a very heavy docket. He delivered one of his splendid addresses to this class in the morning, sat in his accustomed pew at the preaching service and in the afternoon was stricken and died a few moments afterward. The active pall bearers were members of this class and the class attended the funeral in a body.

Judge Evans was always interested in education. While a member of the Supreme Court, he served for a short time as a trustee of Bessie Tift College, at Forsyth, Georgia, and after he became United States District Judge, he was elected a trustee of Mercer University. He felt compelled to resign both positions on account of the press of his official duties. He was also interested in the history of his country and particularly of his State. Shortly after he moved to Savannah, he became a Curator of the Georgia Historical Society. He took an active part in the steps leading up to the consolidation of the Society with the Georgia Historical Association. When it became necessary for the Society in order to bring about this consolidation to resign as the trustee of the Telfair Academy of Arts and Sciences, he became one of the first members of the Academy. At the annual meeting of the Society held in Savannah less than a

month before his death, he was elected its President, again succeeding his old friend and former associate on the Supreme Court, Judge Andrew J. Cobb. The last two numbers of the Quarterly contain articles from his pen; one on "The Evolution of Jurisprudence" the other on "The Code Napoleon."

Of the intimate private and family life of Judge Evans, it would not be seemly now to speak. His departure has been too recent. The grief occasioned by his sudden taking away is still too poignant. That he measured up to the highest ideal as a husband and father and was faithful in the discharge of every private as of every public duty scarcely needs be said. He was twice married; first to Miss Bessie Warthen of the well-known Washington County family of that name, and second, to Miss Jennie Irvin of Shorterville, Alabama, a grand niece of Governor Jared Irvin, who survives him. He left four sons, Thomas Warthen, an attorney of Dublin Georgia; Julian Richard, a merchant of Sandersville, Georgia; Reese N., a student in the University of Georgia, and Irvin Lumpkin, a lad of twelve years of age.

On the 8th day of May, 1922 in the prime of life and in the active discharge of duty, he died at his home in Savannah, and on the 10th, his mortal remains were laid away in the family lot in the cemetery at Sandersville beside those of his soldier son, who after sleeping for a short time in the soil of France, had been brought back to finally rest near the dust of his ancestors. Many were the tributes to his life and character from those who knew and loved him in every walk of life. In reading these tributes, one is impressed with the fact that the man was greater than his work his character than his splendid achievements. While referring to his greatness as a lawyer and his eminence as a jurist, far greater emphasis is placed on his "faithfulness," his "sincerity," his "courage, truth and love," his "spirituality, thoughtfulness and loyalty to principle," his "kindness to those who needed kindness, his love for his fellowmen, his

great patience in dealing with the faults of others," his "courtesy and magnanimity of spirit." He was indeed "the soul of honor," "an ideal citizen," "a Christian gentleman."

Possibly no finer word has been spoken of him than by his former pastor, Dr. Henry Alford Porter of the Second Baptist Church of Atlanta, who said:

"We loved him, for he had a genius for friendship. There was in him a blending of friendliness and reserve. Most men thought him reserved and self-contained. They were right. But no one came near to him without finding a friendliness that was all the richer for the reserve that protected it. If I might reach out into all the vocabulary of human speech and gather up a single word for Judge Evans' memory it would be the stately word, "Friend" . . . no other were so nearly his biography.

"He was a friend of boys, and gathered around him a great class in the Sunday School. These boys, with their intuitive insight, were charmed by him and adored him.

"We loved him for his gift of sympathy. From his eyes the tears readily fell. He was big in brotherhood. Kindness and grace beamed in his face and lighted up his life.

"We loved him for his transparent, childlike character. So true was he and so surely genuine that men who differed and mistrusted each other were alike in trusting him.

"We loved him for his passion for righteousness and justice and for his courage in standing for his convictions. He was, with all his tenderness and gentleness, a fighter, a fighter against unrighteousness and darkness—heroic, chivalrous, like some knight of old."

Well did Woodrow Wilson say: "In the death of Judge Beverly D. Evans the country loses an upright and able servant."